

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

AMERSHAM PLC, *et al.*,

Defendants.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

MOLECULAR PROBES, INC., *et al.*,

Defendants.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

ORCHID BIOSCIENCES, INC.,

Defendant.

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No. 02 Civ. 8448 (RJS)  
ORDER

No. 03 Civ. 3816 (RJS)  
ORDER

No. 03 Civ. 3817 (RJS)  
ORDER

No. 03 Civ. 3819 (RJS)  
ORDER

AFFYMETRIX, INC.,

Plaintiff,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

No. 03 Civ. 8907 (RJS)  
ORDER

ENZO LIFE SCIENCES, INC.,

Plaintiff,

-v-

AFFYMETRIX, INC.,

Defendant.

No. 04 Civ. 1555 (RJS)  
ORDER

ROCHE DIAGNOSTICS GMBH,

Plaintiff,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

No. 04 Civ. 4046 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

These cases, which were previously assigned to the late Judge Sprizzo, have been stayed pending the outcome of an appeal in a related case in the District of Connecticut (the “related action”). That appeal has now concluded and Judge Arterton has scheduled the related action for trial in February 2012. The Court is in receipt of (1) a letter dated August 12, 2011, on behalf of Enzo Biochem, Inc.; Enzo Life Sciences, Inc.; Roche Diagnostics GmbH; Roche Molecular

Systems, Inc.; Affymetrix, Inc.; PerkinElmer, Inc.; and PerkinElmer Life Sciences, Inc., asking the Court to continue to stay these cases pending the outcome of the trial in the related action, and (2) a letter dated August 12, 2011, on behalf of Amersham plc; Amersham Biosciences; Molecular Probes, Inc.; and Orchid Biosciences, Inc., asking the Court to lift the stay. The second letter proposes that, after the stay is lifted, the parties streamline their previously filed summary judgment motions to focus on the patent claims.

The Court agrees with the parties seeking to lift the stay that waiting for the conclusion of the trial in the related action will further delay this action with only the possibility that the issues at stake in these cases will be narrowed. Waiting for the outcome of an inevitable appeal of the jury's decision in the related action would drag these proceedings out further still. Accordingly, the Court is prepared to lift the stay in these cases and allow the parties to file summary judgment motions focusing initially on the patent claims. IT IS HEREBY ORDERED THAT the parties shall appear for a telephonic conference on August 25, 2011 at 3:00 p.m. to discuss logistical matters related to the re-filing of the summary judgment motions. The parties shall gather on one line, then contact the Court at (212) 805-0264.

SO ORDERED.

DATED: August 16, 2011  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE